

EXHIBIT 6

KEN GRAEBER

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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

- - -
KELLY A. GRADY, :
: CIVIL ACTION
: NOVEMBER TERM,
2015

Plaintiff, :
: NO. 151103380

vs. :
:
THE HERTZ CORPORATION; HERTZ :
RENT-A-CAR PHILADELPHIA INTL.:
AIRPORT; JOHN DOE(s), :

Defendants. :

- - -
October 16, 2016
- - -

Oral deposition of KEN GRAEBER taken
pursuant to notice, held at 1845 Walnut Street,
Suite 938, Philadelphia, Pennsylvania,
commencing at 10:38 a.m., on the above date,
before Jennifer P. Miller, RPR, CCR, CRR, and
Notary Public for the Commonwealth of
Pennsylvania, State of Delaware and the State
of New Jersey.

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2 WITNESS:

3 KEN GRAEBER

4 EXAMINATION

5 DIRECT CROSS REDIRECT RECROSS

6 BY MR. MALOFIY 8

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EXHIBITS

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Direction to Witness not to Answer

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1 APPEARANCES:

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BY: FRANCIS MALOFIY, ESQUIRE

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COUNSEL FOR DEFENDANT

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10:39:04

- - -

PROCEEDINGS

- - -

(It is hereby stipulated
and agreed by and between counsel that
reading, signing, sealing, filing and
certification are not waived; and that
all objections, except as to the form
of the questions, be reserved until the
time of trial.)

- - -

KEN GRAEBER,
after having been first duly sworn, was
examined and testified as follows:

- - -

MR. MALOFIY: We're here for the
deposition of Mr. Joseph Jaussi, who is an
employee of Hertz, as well as a deposition
of Ken Graeber who's a potential named
defendant in this case. Listed as a John
Doe at this time. Opposing counsel, Mr.
Stuart Wolf, has indicated he's demanding
that both are present at the same time.
The rules absolutely unequivocally do not
allow for fact witnesses to be present at

1 (Pages 1 to 4)

KEN GRAEBER

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10:57:39 1 was told he faces and may face personal
 10:57:43 2 liability for the plaintiff's complaint.
 10:57:48 3 Please also let the record reflect that
 10:57:51 4 this man has never seen the complaint.
 10:57:54 5 Also let the record reflect this man has
 10:57:56 6 never read the complaint or the
 10:57:57 7 allegations contained therein.
 10:57:59 8 BY MR. MALOFIY:
 10:58:00 9 Q. Sir, do you understand there's a
 10:58:01 10 conflict, as you sit here today, in an attorney
 10:58:04 11 representing Hertz and also representing your
 10:58:06 12 personal interest?
 10:58:07 13 MR. WOLF: Objection. You're
 10:58:08 14 asking for a legal conclusion or a legal
 10:58:10 15 opinion and --
 10:58:11 16 THE WITNESS: I'm not a lawyer.
 10:58:14 17 I don't know.
 10:58:15 18 BY MR. MALOFIY:
 10:58:15 19 Q. You don't know?
 10:58:16 20 A. I was told to come here --
 10:58:19 21 Q. Did you ever -- sorry.
 10:58:20 22 A. I was told to come here for a
 10:58:22 23 deposition.
 10:58:22 24 Q. What was your understanding of your
 10:58:24 25 role here today?

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10:58:25 1 MR. WOLF: Anything that we
 10:58:25 2 spoke about, do not discuss.
 10:58:28 3 MR. MALOFIY: This witness might
 10:58:29 4 have the -- I brought up in front of Judge
 10:58:33 5 New because clearly he doesn't understand
 10:58:36 6 his role or why he's here today. No one
 10:58:40 7 has told him that. He faces potentially
 10:58:43 8 millions of dollars in damages, because
 10:58:45 9 that's what this case is worth. Let me
 10:58:47 10 finish.
 10:58:47 11 BY MR. MALOFIY:
 10:58:48 12 Q. Are you aware that there were
 10:58:49 13 individuals at Hertz or that were employed by
 10:58:52 14 Hertz that were listed as John Does in the
 10:58:55 15 complaint?
 10:58:57 16 A. No, I wasn't aware of that.
 10:58:59 17 Q. Were you aware of -- that in the
 10:59:03 18 complaint, there were police reports which
 10:59:05 19 plaintiff had alleged -- were improperly given
 10:59:08 20 to police?
 10:59:11 21 A. Say that again.
 10:59:11 22 Q. Let me strike that.
 10:59:13 23 Were you aware that in the
 10:59:14 24 complaint, there were allegations that there
 10:59:16 25 was false police information -- strike that.

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10:59:22 1 Were you aware that in the
 10:59:23 2 complaint, there's allegations that an
 10:59:26 3 individual at Hertz had provided misleading or
 10:59:29 4 wrong information to the police?
 10:59:31 5 A. No, I wasn't aware of that.
 10:59:32 6 Q. Were you ever told that you were the
 10:59:34 7 individual who through discovery it appears, is
 10:59:39 8 the person who filed the report with the police
 10:59:42 9 that plaintiff has alleged is improper?
 10:59:44 10 A. Well, me as an employee of Hertz, I
 10:59:46 11 was custodian of records and I didn't
 10:59:48 12 personally provide that information. It was
 10:59:50 13 sent to me, and I just reported it stolen as
 10:59:54 14 per Hertz policies.
 10:59:56 15 Q. Do you remember an interview that
 10:59:57 16 occurred with the police and you?
 10:59:58 17 A. I don't remember it, no.
 10:59:59 18 Q. Did you ever look at any discovery in
 11:00:01 19 this case?
 11:00:01 20 A. Yes, I did, yeah.
 11:00:02 21 Q. Did you look at the police report
 11:00:04 22 that you gave?
 11:00:04 23 A. The police report?
 11:00:06 24 Q. There was a police interview where
 11:00:08 25 questions were asked of you and you testified

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11:00:09 1 to that police officer?
 11:00:12 2 A. Yes, I did read that.
 11:00:13 3 Q. You did read that?
 11:00:14 4 A. Yeah.
 11:00:14 5 Q. Were you ever told that there was an
 11:00:16 6 allegation that someone at Hertz provided false
 11:00:18 7 information to the police, which make up the
 11:00:22 8 allegations in this complaint?
 11:00:24 9 MR. WOLF: Objection. Anything
 11:00:25 10 that you spoke to me or my office about,
 11:00:28 11 do not answer. If you have other
 11:00:30 12 information, it's fine for you to answer,
 11:00:32 13 but if it came from me or my office, do
 11:00:34 14 not answer.
 11:00:35 15 MR. MALOFIY: He still has to
 11:00:36 16 say I can't -- you still have to make the
 11:00:39 17 objection -- this is -- hold on.
 11:00:41 18 You have to make the attorney-client
 11:00:42 19 privilege. You can't say don't talk about
 11:00:45 20 anything so there's no indication of what
 11:00:48 21 came from your office and what didn't.
 11:00:49 22 This is a very serious issue here.
 11:00:52 23 MR. WOLF: I just told him, if
 11:00:53 24 it's anything outside of my office you can
 11:00:55 25 testify.

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